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10/810,703	03/29/2004	Takahiro Kurosawa	03500.018001	9054
5514 7590 06/04/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER CUTLER, ALBERT H	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/810,703

Applicant(s)

KUROSAWA ET AL.

Examiner

Albert H. Cutler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This office action is responsive to application 10/810,703 filed on March 29, 2004. Claims 1-25 are pending in the application and have been examined by the examiner.

### ***Information Disclosure Statement***

2. The Information Disclosure Statements (IDS) mailed on March 16, 2006, May 21, 2004, and March 29, 2004 were received and have been considered by the examiner.

### ***Priority***

3. Acknowledgment is made of applicant's claim for foreign priority based on applications filed in Japan on March 31, 2003, April 30, 2003, and May 13, 2003.

### ***Drawings***

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "101" has been used to designate both a first camera server and a second camera server. Please change one of these reference characters to "102" as described in the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be

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labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

5. Claim 20 is objected to because of the following informalities: Lack of clarity and precision. Claim 20 reads "the apparatus according to claim 16". It appears the claim 20 should read "the apparatus according to claim 19". The examiner will interpret claim 20 to read "the apparatus according to claim 19". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Shinji et al. (Japanese Patent Application Publication 10-136345).

Consider claim 1, Shinji et al. teach:

A method of generating moving picture information to distribute to a terminal device(paragraph 0001, 0099-0104, figure 57. The method is an alternate embodiment, so not all details are shown. Paragraphs 0028-0047 are referred to in order to illustrate corresponding parts and functions.), the method including:

receiving moving picture data taken by a camera(The invention makes possible real time graphic display, paragraph 0001. A frame rate allows exact camera control at a low speed, paragraph 0011. The guidance information synthesis means(116, figure 57) receives image data from the camera(101), and guidance information from the guidance information decision means(112), and synthesizes the two together, paragraph 0100.), and control sequence information(guidance information) of operations performed by the camera(See paragraphs 0029-0030. The camera control unit(102) generates guidance information on the images. The guidance information includes camera axis information and zoom information.);

generating a moving picture file from the received moving picture data(The camera captures the moving picture data, and the guidance information-synthesis means generates a file containing moving picture data and guidance data, paragraph 0100.);

incorporating, into the moving picture file, the control sequence information of the camera corresponding to the generated moving picture file(The guidance data attached to the image data corresponds to control sequence information such as the current camera axis, and the current zoom factor, paragraphs 0029-0030. See drawings 2-7 for

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guide info including camera position, zoom, and address info.), and information relating to an address of the camera(paragraph 0035); and

distributing, to the terminal device(103), the moving picture file with the control sequence information of the camera and link information of the camera incorporated in the incorporating(The transmitter(106) distributes the moving picture file containing control sequence information and link information to the receiver(114) of the terminal device(103). See paragraph 0041 for link information.).

Consider claim 2, and as applied to claim 1 above, Shinji et al. further teach that the control sequence information from the camera includes at least one of a pan operation, a tilt operation, and a zoom operation performed by the camera(See paragraph 0030. The guidance information includes the bearing of the exposure axis(i.e. pan or tilt information), coordinates of the field of view, and zoom position.).

Consider claim 3, and as applied to claim 1 above, Shinji et al. further teach that the moving picture file is generated by dividing the received moving picture data(See paragraph 0104. Two or more images can be compounded(i.e. the received moving picture data is divided by a factor of two or more). This is the same as in the 7<sup>th</sup> embodiment, which is detailed from paragraphs 0095-0098.).

Consider claim 4, Shinji et al. teach:

A moving picture information distribution apparatus(paragraph 0001, 0099-0104, figure 57. The method is an alternate embodiment, so not all details are shown.

Paragraphs 0028-0047 are referred to in order to illustrate corresponding parts and functions.), including:

a communications device for receiving moving picture data taken by a camera, and control sequence information of operations performed by the camera(The transmitter(106) distributes the moving picture data containing control sequence information and link information to the receiver(114) of the terminal device(103). See paragraphs 0029-0030.); and

a file generation device for generating a moving picture file from the received moving picture data by incorporating into the moving picture file the camera control sequence information corresponding to the generated moving picture file(The guidance information synthesis means(i.e. file generation device, 116, figure 57) receives image data from the camera(101), and guidance information from the guidance information decision means(112), and synthesizes the two together, paragraph 0100.), and information relating to the an address of the camera(The guidance data attached to the image data corresponds to control sequence information such as the current camera axis, and the current zoom factor, paragraphs 0029-0030. See drawings 2-7 for guide info including camera position, zoom, and address info. See paragraph 0035 for address data.).

Consider claim 5, and as applied to claim 4 above Shinji et al. further teach that the control sequence information from the camera includes at least one of a pan operation, a tilt operation, and a zoom operation performed by the camera(See paragraph 0030. The guidance information includes the bearing of the exposure axis(i.e. pan or tilt information), coordinates of the field of view, and zoom position.).

Consider claim 6, and as applied to claim 4 above Shinji et al. further teach that the moving picture file is generated by dividing the received moving picture data(See paragraph 0104. Two or more images can be compounded(i.e. the received moving picture data is divided by a factor of two or more). This is the same as in the 7<sup>th</sup> embodiment, which is detailed from paragraphs 0095-0098.).

Consider claim 7, and as applied to claim 4 above Shinji et al. further teach that the camera is incorporated integrally into the distribution device(see figure 0057).

8. Claims 11, 13-16, and 18-20 rejected under 35 U.S.C. 102(e) as being anticipated by Burgess(US 6,741,790).

Consider claim 11, Burgess teaches:

A method of generating a moving picture file, the method including:

obtaining moving picture data taken by a camera, and information relating to the camera corresponding to moving picture data(See figure 4a, column 10, line 39 through



column 12, line 8. The camera obtains video(i.e. moving image data) and geographic position information(i.e. information relating to the camera position) in the form of GPS data.); and

generating a moving picture file by dividing the moving picture data, based on information relating to the camera(See column 11, line 29 through column 12, line 8. In an indexing mode, a video data file is generated based on location data of the video data. The video data is divided based on GPS location(i.e. information relating to the camera position). Different locations for different video data are shown on a map, as illustrated in figure 9. These locations represent files of video data which can be selected and played back by using the map, column 12, line 49 through column 13, line 11.).

Consider claim 13, and as applied to claim 11 above, Burgess further teaches that the information relating to the camera is information relating to switching of the camera(GPS data(i.e. information relating to the camera) is received when images are recorded(i.e. when the camera is "switched" to recording mode), column 7, lines 47-59.).

Consider claim 14, and as applied to claim 11 above, Burgess further teaches that the information relating to the camera is information relating to operations of the camera(The GPS information(i.e. information relating to the camera) is information

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relating to movement operations of the camera(i.e. the locations where a camera has moved to), column 10, line 39 through column 12, line 8.).

Consider claim 15, and as applied to claim 14 above, Burgess further teaches:

the operation information of the camera is one of information relating to movement information indicating movement toward a pre-set position(The GPS information(i.e. information relating to the camera) is information relating movement toward pre-set positions indicated on the map of figure 9. The map of figure 9 shows pre-set locations of video clips, and when selected, video clips of movement around those locations are displayed, column 12, line 49 through column 13, line 11.).

Consider claim 16, Burgess teaches:

An apparatus for generating a moving picture file(figure 6), comprising:

an obtaining device(46) for obtaining moving picture data taken by a camera(42), and information relating to the camera corresponding to moving picture data(See figure 4a, column 10, line 39 through column 12, line 8. The camera obtains video(i.e. moving image data) and geographic position information(i.e. information relating to the camera position) in the form of GPS data.); and

a generating device for generating a moving picture file by dividing the moving picture data, based on information relating to the camera(See column 11, line 29 through column 12, line 8. In an indexing mode, a video data file is generated based on location data of the video data. The video data is divided based on GPS location(i.e.

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information relating to the camera position). Different locations for different video data are shown on a map, as illustrated in figure 9. These locations represent files of video data which can be selected and played back by using the map, column 12, line 49 through column 13, line 11.).

Consider claim 18, and as applied to claim 16, Burgess further teaches that the information relating to the camera is information relating to switching of the camera(GPS data(i.e. information relating to the camera) is received when images are recorded(i.e. when the camera is "switched" to recording mode), column 7, lines 47-59.).

Consider claim 19, and as applied to claim 16, Burgess further teaches that the information relating to the camera is information relating to operations of the camera(The GPS information(i.e. information relating to the camera) is information relating to movement operations of the camera(i.e. the locations where a camera has moved to), column 10, line 39 through column 12, line 8.).

Consider claim 20, and as applied to claim 19, Burgess further teaches:  
the operation information of the camera is one of information relating to movement information indicating movement toward a pre-set position(The GPS information(i.e. information relating to the camera) is information relating movement toward pre-set positions indicated on the map of figure 9. The map of figure 9 shows

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pre-set locations of video clips, and when selected, video clips of movement around those locations are displayed, column 12, line 49 through column 13, line 11.).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Shinji et al.(Japanese Patent Application Publication 10-136345).

Consider claim 8, Shinji et al. teach a distribution method(paragraph 0001, 0099-0104, figure 57. The method is an alternate embodiment, so not all details are shown. Paragraphs 0028-0047 are referred to in order to illustrate corresponding parts and functions.), comprising:

receiving moving picture data taken by a camera(The invention makes possible real time graphic display, paragraph 0001. A frame rate allows exact camera control at a low speed, paragraph 0011. The guidance information synthesis means(116, figure 57) receives image data from the camera(101), and guidance information from the guidance information decision means(112), and synthesizes the two together, paragraph 0100.), and control sequence information(guidance information) of operations performed by the camera(See paragraphs 0029-0030. The camera control unit(102) generates guidance information on the images. The guidance information includes camera axis information and zoom information.);

generating a moving picture file from the received moving picture data(The camera captures the moving picture data, and the guidance information-synthesis means generates a file containing moving picture data and guidance data, paragraph 0100.);

incorporating, into the moving picture file, the control sequence information of the camera corresponding to the generated moving picture file(The guidance data attached to the image data corresponds to control sequence information such as the current camera axis, and the current zoom factor, paragraphs 0029-0030. See drawings 2-7 for guide info including camera position, zoom, and address info.), and information relating to an address of the camera(paragraph 0035); and

distributing, to the terminal device(103), the moving picture file with the control sequence information of the camera and link information of the camera incorporated in the incorporating(The transmitter(106) distributes the moving picture file containing

control sequence information and link information to the receiver(114) of the terminal device(103). See paragraph 0041 for link information.).

Shinji et al. do not explicitly teach that the distribution method is stored as a program on a computer readable medium.

However, **Official Notice** (MPEP § 2144.03) is taken that both the concepts and advantages of storing a computer operable program on a computer readable medium are well known and expected in the art. It would have been obvious to a person having ordinary skill in the art at the time of the invention to store the distribution method of Shinji et al. on a computer readable medium for the benefit of preventing an application loss due to hardware breakdown, and improving product versatility and marketability by allowing easy application installation in many computer/camera systems.

Consider claim 9, and as applied to claim 8 above, Shinji et al. further teach that the control sequence information from the camera includes at least one of a pan operation, a tilt operation, and a zoom operation performed by the camera(See paragraph 0030. The guidance information includes the bearing of the exposure axis(i.e. pan or tilt information), coordinates of the field of view, and zoom position.).

Consider claim 10, and as applied to claim 8 above, Shinji et al. further teach that the moving picture file is generated by dividing the received moving picture data(See paragraph 0104. Two or more images can be compounded(i.e. the received moving

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picture data is divided by a factor of two or more). This is the same as in the 7<sup>th</sup> embodiment, which is detailed from paragraphs 0095-0098.).

12. Claims 21 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burgess(US 6,741,790).

Consider claim 21, Burgess teaches:

A method of generating a moving picture file, the method including:

obtaining moving picture data taken by a camera, and information relating to the camera corresponding to moving picture data(See figure 4a, column 10, line 39 through column 12, line 8. The camera obtains video(i.e. moving image data) and geographic position information(i.e. information relating to the camera position) in the form of GPS data.); and

generating a moving picture file by dividing the moving picture data, based on information relating to the camera(See column 11, line 29 through column 12, line 8. In an indexing mode, a video data file is generated based on location data of the video data. The video data is divided based on GPS location(i.e. information relating to the camera position). Different locations for different video data are shown on a map, as illustrated in figure 9. These locations represent files of video data which can be selected and played back by using the map, column 12, line 49 through column 13, line 11.).

Burgess does not explicitly teach that the distribution method is stored as a program on a computer readable medium.

However, **Official Notice** (MPEP § 2144.03) is taken that both the concepts and advantages of storing a computer operable program on a computer readable medium are well known and expected in the art. It would have been obvious to a person having ordinary skill in the art at the time of the invention to store the method for generating a picture file as taught by Burgess on a computer readable medium for the benefit of preventing an application loss due to hardware breakdown, and improving product versatility and marketability by allowing easy application installation in many computer/camera systems.

Consider claim 23, and as applied to claim 21 above, Burgess further teaches that the information relating to the camera is information relating to switching of the camera(GPS data(i.e. information relating to the camera) is received when images are recorded(i.e. when the camera is "switched" to recording mode), column 7, lines 47-59.).

Consider claim 24, and as applied to claim 21 above, Burgess further teaches that the information relating to the camera is information relating to operations of the camera(The GPS information(i.e. information relating to the camera) is information relating to movement operations of the camera(i.e. the locations where a camera has moved to), column 10, line 39 through column 12, line 8.).



Consider claim 25, and as applied to claim 24 above, Burgess further teaches:  
the operation information of the camera is one of information relating to movement information indicating movement toward a pre-set position(The GPS information(i.e. information relating to the camera) is information relating movement toward pre-set positions indicated on the map of figure 9. The map of figure 9 shows pre-set locations of video clips, and when selected, video clips of movement around those locations are displayed, column 12, line 49 through column 13, line 11.).

13. Claims 12, 17, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burgess(US 6,741,790) in view of Miyake(US 2001/0010549).

Consider claim 12, and as applied to claim 11 above, Burgess teaches of dividing the moving picture data based on GPS data(see claim 11 rationale). However, Burgess does not teach that the information relating to the camera is information relating to a range where the camera is prohibited from capturing pictures.

Miyake is very similar to Burgess, as a camera records GPS data along with image data(See title, figure 3, paragraphs 0059-0083).

However, in addition to the teachings of Burgess, Miyake teaches that the GPS information(i.e. information relating to the camera) is related to a range where the camera is prohibited from capturing pictures. See paragraphs 0064, 0071, and 0080. The capturing of images is prohibited if the GPS information cannot be obtained.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have the camera information taught by Burgess related to a range where the camera is prohibited from capturing images as taught by Miyake for the benefit of ensuring that no image data is obtained without corresponding geographical position data, and thus eliminating the affiliation of image data with incorrect geographical data(Miyake, paragraph 0008).

Consider claim 17, and as applied to claim 16 above, Burgess teaches of dividing the moving picture data based on GPS data(see claim 16 rationale). However, Burgess does not teach that the information relating to the camera is information relating to a range where the camera is prohibited from capturing pictures.

Miyake is very similar to Burgess, as a camera records GPS data along with image data(See title, figure 3, paragraphs 0059-0083).

However, in addition to the teachings of Burgess, Miyake teaches that the GPS information(i.e. information relating to the camera) is related to a range where the camera is prohibited from capturing pictures. See paragraphs 0064, 0071, and 0080. The capturing of images is prohibited if the GPS information cannot be obtained.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have the camera information taught by Burgess related to a range where the camera is prohibited from capturing images as taught by Miyake for the benefit of ensuring that no image data is obtained without corresponding

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geographical position data, and thus eliminating the affiliation of image data with incorrect geographical data(Miyake, paragraph 0008).

Consider claim 22, and as applied to claim 21 above, Burgess teaches of dividing the moving picture data based on GPS data(see claim 21 rationale). However, Burgess does not teach that the information relating to the camera is information relating to a range where the camera is prohibited from capturing pictures.

Miyake is very similar to Burgess, as a camera records GPS data along with image data(See title, figure 3, paragraphs 0059-0083).

However, in addition to the teachings of Burgess, Miyake teaches that the GPS information(i.e. information relating to the camera) is related to a range where the camera is prohibited from capturing pictures. See paragraphs 0064, 0071, and 0080. The capturing of images is prohibited if the GPS information cannot be obtained.


Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have the camera information taught by Burgess related to a range where the camera is prohibited from capturing images as taught by Miyake for the benefit of ensuring that no image data is obtained without corresponding geographical position data, and thus eliminating the affiliation of image data with incorrect geographical data(Miyake, paragraph 0008).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert H. Cutler whose telephone number is (571)-270-1460. The examiner can normally be reached on Mon-Fri (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached on (571)-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC

  
NGOC-YEN VU  
SUPERVISORY PATENT EXAMINER